

REMARKS/ARGUMENTS

Claims 1-35 are pending in the application. Claims 1, 6, 8, 9, 19-26, and 30 have been amended. Claims 12-16, 18-26, 28, and 29 were previously allowed. Claim 2 and 5 are canceled. The Examiner objected to claims 6-11 and 35.

Claim 1 is amended to recite first and second load bearing means, and upon application of upward force to the first load bearing means the lifting apparatus may be lifted, in the absence of other mechanical means, with the lifting arms in the retracted position. Such amendments are supported by, for example, ¶¶ 0027-0028, and the figures. Amended claim 1 also includes recitals similar to canceled claim 2.

Claim 6 is amended to eliminate reference to “first load bearing means” and rather refer just to “load bearing means,” as there is only one load bearing means recited.

Claims 8 and 9 are similarly amended to eliminate references to “second load bearing means” and rather refer just to “load bearing means,” as there is only one load bearing means recited.

Claims 6-11 were objected to as being dependent on a rejected based claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This objection was raised in the previous Office Action, and the Applicant respectfully submits that these claims, including the amendments of claims 6 and 8 discussed above, are in condition for allowance. Claim 6 was previously amended to include the limitations of original claims 5 and 1, and claim 7 was previously amended to include all the limitations of claim 4 and 1. Claims 8-11 directly or indirectly depend from claim 7.

Claims 19-26 are amended with an editorial change to modify the preambles to refer to “lifting apparatus” instead of “lifter.” The wording of the preamble has also been changed to match that of the other dependent claims in the application.

Claim 27 is amended to recite mounting first load bearing means to a frame and mounting second load bearing means to an exertion member. Such amendments are supported by, for example, ¶¶ 0027-0028, and the figures.

Claim 30 is amended to recite certain structure of a frame, namely, upper and lower rings with vertical members spanning therebetween. Such amendment is supported by, for example, ¶ 0026, and the FIGS. 1-4, 6, and 7.

Claim 35 was objected to as being dependent on a rejected based claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant respectfully submits that claim 35 is already an independent claim as written, and therefore is in condition for allowance.

The Applicant hereby requests further examination and reconsideration of the application in view of the discussion below.

Claim Rejections – 35 USC § 102

1. Claims 1, 3, 30, and 32, all directed to a lifting apparatus, are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,511,169 to Willis.
2. With respect to amended independent claims 1 and 30, the Applicant respectfully submits that these claims are not anticipated by Willis because Willis fails to disclose every recited element. Willis does not teach or disclose the first and second load bearing means or other recitals of amended claim 1, and in particular does not include separate load bearing means or a

first load bearing means that is mounted to the frame. Willis also does not teach or disclose the upper ring, lower ring, and vertical members extending therebetween that are recited in amended claim 30. Therefore, claims 1 and 30 are submitted to be patentably distinguishable over Willis and reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of independent claims 1 and 30 is respectfully requested.

3. Because claims 3 and 32 depend from independent claims 1 and 30 respectively, Applicant submits that these dependent claims are also patentable for at least the same reasons as the corresponding independent claim. Furthermore, each of these dependent claims recites a unique combination of elements not disclosed or suggested by Willis.

Claim Rejections – 35 USC § 103

4. Claims 4 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis in view of Anderson (US 3,915,488). Claims 17 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis in view of Carpenter (US 3,451,711). Claims 27 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis in view of Reynolds (US 2,756,193).

5. Because claims 4, 17, 31, 33, and 34 depend from independent claims 1 and 30 respectively, Applicant submits that these dependent claims are also patentable for at least the same reasons as the corresponding independent claim. Furthermore, each of these dependent claims recites a unique combination of elements not disclosed or suggested by the cited references.

6. With respect to claim 27, claim 27 has been amended to recite mounting first load bearing means to a frame and mounting second load bearing means to an exertion member, none

of which is taught or suggested by either Willis or Reynolds. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejections of claim 27 is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the apparatus and methods claimed in the present application are neither anticipated nor fairly taught or suggested by any of the references cited by the Examiner, either alone or in any reasonable combination suggested by the prior art. Reconsideration and withdrawal of the objections and rejections, and allowance of all pending claims at an early date is respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

Respectfully submitted,

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